

### **REMARKS**

The Office Action dated June 7, 2006, and the patents cited therein have been carefully reviewed, and in view of the above changes and following remarks reconsideration and allowance of all the claims pending in the application are respectfully requested.

#### **The Rejection Under 35 U.S.C. § 112, Second Paragraph**

Claims 14 and 17 stand rejected under 35 U.S.C. § 112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention.

Claims 14 and 17 have each been amended to improve their respective forms in accordance with U.S. patent laws and to address concerns raised by the Examiner in the Office Action dated June 7, 2006. Assignee respectfully submits that these changes should not be interpreted as indicating agreement by the Assignee with the Examiner's position. Rather, Assignee believes that these changes are directed merely to minor aspects of form and, as such, do not narrow claim scope or result in prosecution-history estoppel.

Consequently, Assignee respectfully requests that the Examiner withdraw this rejection.

#### **The Rejection Under 35 U.S.C. § 102(b) Over Stoffel**

Claims 1, 2 and 12-17 stand rejected under 35 U.S.C. § 102(b) as anticipated by Stoffel et al. (Stoffel), U.S. Patent No. 4,432,017. This rejection is respectfully traversed.

Assignee has amended claims 1, 12 and 15 to better distinguish over Stoffel. In particular, claim 1 has been amended to now be directed to "[a] method of reading pixel signals from a multiple staggered sensor, comprising receiving pixel signals from a multiple staggered sensor ." Claim 12 has been amended to now be directed to "[a] method, comprising: receiving signals from a multiple staggered sensor portion, said multiple staggered sensor portion comprising ." Claim 15 has been amended to now be directed to "[a] system, comprising: an image sensing portion comprising a multiple staggered sensor ." Support for the amendments

to claims 1, 12 and 15 can be found throughout the specification of the present patent application, for example, at least at page 6, lines 2-5 and 12-17, originally filed claims 6-11.

Assignee respectfully submits that Stoffel does not disclose or suggest the invention according to amended claim 1, claim 2, amended claim 12 and claims 13-17.

Regarding amended claim 1, Assignee respectfully submits that Stoffel does not disclose or suggest a method of reading pixel signals from a multiple staggered sensor. At best, Stoffel discloses a method for reading pixel signals from two linear photosensor arrays that are generally located in close proximity to each other. (See Stoffel, column 3, lines 54-58.) It follows that claim 2, which incorporates the limitations of amended claim 1 is allowable for at least the same reason that amended claim 1 is considered allowable over Stoffel.

Regarding amended claim 12, Assignee respectfully submits that Stoffel does not disclose or suggest a method comprising receiving signals from a multiple staggered sensor portion. Similar to amended claim 1, Stoffel, at best, discloses a method for reading pixel signals from two linear photosensor arrays that are generally located in close proximity to each other. (See Stoffel, column 3, lines 54-58.) It follows that claims 13 and 14, which each incorporate the limitations of amended claim 12, are each allowable for at least the same reason that amended claim 12 is considered allowable.

Regarding amended claim 15, Assignee respectfully submits that Stoffel does not disclose or suggest a system comprising an image sensing portion comprising a multiple staggered sensor for at least the same reason that amended claims 1 and 12 are patentable over Stoffel. It follows that claims 16 and 17, which each incorporate the limitations of amended claim 15, are each allowable for the same reason that amended claim 15 is considered allowable.

Consequently, Assignee respectfully requests that the Examiner withdraw this rejection and allow claims 2 and 12-17.

#### **The Rejection Under 35 U.S.C. § 102(b) Over Boyd**

Claims 1, 3, 4 and 18 stand rejected under 35 U.S.C. § 102(b) as anticipated by Boyd et al. (Boyd), U.S. Patent No. 6,166,831. This rejection is respectfully traversed.

Assignee has amended claim 1 as described above. Additionally, Assignee has amended claim 18 to be directed to a system comprising a means for receiving signals from a multiple staggered sensing means, such that the multiple staggered sensing means comprises a plurality of linear image sensors, and wherein a plurality of photocells of one linear image sensor are offset abutting with a plurality of photocells of a linear image sensor that is adjacent to the linear image sensor; and a means for outputting an image comprising signals from one linear image sensor of the multiple staggered sensing means without utilizing another linear image sensor of the multiple staggered sensing means. Support for the amendment to claim 18 can be found throughout the specification of the present patent application, for example, at least at page 6, lines 2-5 and 12-17, originally filed claims 6-11.

Additionally, Assignee has amended claim 18 to improve its form in accordance with U.S. patent law by amending "a image" to now be "an image". Assignee believes that this change is directed merely to a minor aspect of form and, as such, does not narrow claim scope or result in prosecution-history estoppel.

Assignee respectfully submits that Boyd does not disclose or suggest the invention according to amended claim 1, claims 3 and 4, and amended claim 18.

Regarding amended claim 1, Assignee respectfully submits that Boyd does not disclose or suggest a method of reading pixel signals from a multiple staggered sensor, comprising receiving pixel signals from a multiple staggered sensor. Assignee respectfully submits that Boyd is silent in this regard. It follows that claims 3 and 4, which each incorporate the limitations of amended claim 1, are each allowable over Boyd for at least the same reason that amended claim 1 is considered allowable over Boyd.

Regarding amended claim 18, Assignee respectfully submits that amended claim 18 is patentable over Boyd for at least the same reason that amended claim 1 is considered allowable.

Consequently, Assignee respectfully requests that the Examiner withdraw this rejection and allow claims 1, 3, 4 and 18.

### **The Rejection Under 35 U.S.C. § 103(a) Over Stoffel**

Claim 5 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Stoffel. This rejection is respectfully traversed.

Assignee respectfully submits that claim 5 is patentable over Stoffel because the Examiner's proffered modification of Stoffel, i.e., "to modify Stoffel's method of outputting pixel signals into an analog/digital converter," does not cure the deficiencies of Stoffel with respect to amended claim 1, the base claim of claim 5.

Consequently, Assignee respectfully requests that the Examiner withdraw this rejection and allow claim 5.

### **The Rejection Under 35 U.S.C. § 103(a) Over Watanabe In View of Stoffel**

Claims 6-11 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Watanabe, U.S. Patent No. 6,522,356, in view of Stoffel. This rejection is respectfully traversed.

Assignee respectfully submits that the present invention according to any of claims 6-11 is patentable over Watanabe in view of Stoffel. Assignee respectfully submits that the applied patents are not properly combinable to form a basis for rejection of these claims.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. In that regard, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Contrary to the Examiner's statement, there simply is no suggestion in Watanabe or Stoffel "to modify the method of Watanabe with offset reading/scanning method [sic] in order to produce an image with a single pulse train on the same integrated circuit chip (col.3, lines 37-43.)". Assignee respectfully submits that Watanabe is silent in this regarding because

Watanabe relates to progressively reading RGB pixels in order to generate a high color resolution image. The portion of Watanabe cited by the Examiner (i.e., Figure 9, column 8, line 45, through column 9, line 21) relates to a reading apparatus 310 that utilizes two sampling signals  $\Phi_A$  (for a G signal) and  $\Phi_B$  (for an R/B signal) to produce a video signal of video signal line 3. As shown in Figure 9 of Watanabe, the G signal pixels are arranged in columns that alternate with columns of the R signal pixels and the B signal pixels. Thus, Watanabe teaches away from the Examiner's proffered motivation to combine Watanabe and Stoffel because Watanabe needs the video signals from two adjacent columns to form a high color resolution image.

Thus, Assignee respectfully submits that it is only by impermissible hindsight that the Examiner is able to reject claims 6-11 based on the combination of Watanabe and Stoffel. Neither of the applied patents provides a proper suggestion for combination. It is only by the Assignee's disclosure that the Examiner can select particular features of Watanabe and Stoffel to make the rejection.

Consequently, Assignee respectfully requests that the Examiner withdraw this rejection and allow claims 6-11.

### **CONCLUSION**

In view of the above amendments and arguments, it is urged that the present application is now in condition for allowance. Should the Examiner find that a telephonic or personal interview would expedite passage to issue of the present application, the Examiner is encouraged to contact the undersigned attorney at the telephone number indicated below.

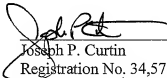
A petition for the necessary extension of time to file this response having an attached check and an authorization to charge a deposit account in payment of the applicable extension fee has been submitted concurrently with this response.

A general authorization under 37 C.F.R. § 1.25(b), second sentence, is hereby given to credit or debit Deposit Account No. 50-3703 for the instant filing and for any other fees during the pendency of this application under 37 C.F.R. §§ 1.16, 1.17 and 1.18.

It is requested that this application be passed to issue with claims 1-20.

Respectfully submitted,  
Berkeley Law and Technology Group, LLC

Date: Nov. 9, 2006



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